

2011 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-AB40)**Received: **06/14/2011**Received By: **tkuczens**Wanted: **As time permits**

Companion to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Kava**

May Contact:

Drafter: **tkuczens**Subject: **Education - school boards**

Addl. Drafters:

Extra Copies: **pg**Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

LFB:.....Kava -

Topic:

Delay date for compliance with orders relating to terminating use of school mascots

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 06/14/2011	jdyer 06/14/2011		_____			
/P1	tkuczens 06/14/2011	jdyer 06/14/2011	jfrantze 06/14/2011	_____	lparisi 06/14/2011		
/P2	tkuczens 06/14/2011	kfollett 06/14/2011	mduchek 06/14/2011	_____	lparisi 06/14/2011		
/P3	tkuczens	jdyer	mduchek	_____	lparisi		

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	06/15/2011	06/15/2011	06/14/2011	_____	06/14/2011		
/P4			mduchek	_____	sbasford		
			06/15/2011	_____	06/15/2011		

FE Sent For:

<END>

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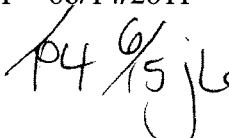
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/P3		 6/15 jld	mduchek		lparisi		

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/P1		<i>/P2 6/14 jld</i>	jfrantze 06/14/2011	_____	lparisi 06/14/2011		

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MD
6/14 **<END>**

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/?	tkuczens	<i>PI 6/14 JLD</i>	<i>Jo 6/14</i>	<i>Re 6/14</i>			

FE Sent For:

<END>

Kuczenski, Tracy

From: Kava, Russ
Sent: Tuesday, June 14, 2011 6:58 PM
To: Grant, Peter; Kuczenski, Tracy
Subject: Assembly budget draft -- RE: Mascot Bill

You may or may not have gotten this request already, I don't know. If someone could just reply to let me know it will be worked on, I would appreciate it. Thanks

From: Toftness, Jennifer
Sent: Tuesday, June 14, 2011 6:45 PM
To: Lang, Bob; Kava, Russ
Cc: Schutt, Eric - GOV; Bott, Eric; Hale, Janine
Subject: Mascot Bill

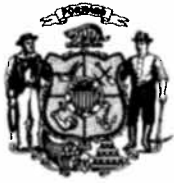
<https://docs.legis.wisconsin.gov/2011/related/proposals/sb124>

Russ,

We would like to insert this provision into the technical amendment. However, we would like to change the date in the last paragraph from November 1 2012 to March 1, 2014.

Thanks,

Jenny



State of Wisconsin
2011 - 2012 LEGISLATURE

NOW



LRBb1329/

TKK.....
jld +
wlg

LFB:.....Kava - Delay date for compliance with orders relating to
terminating use of school mascots

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2011 ASSEMBLY BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2

~~END~~





State of Wisconsin
2011 - 2012 LEGISLATURE

1329/P1



LRB-2153/1
TKK:wlj/rs

RMNR

6/12/11

NOW

2011 SENATE BILL 124

June 7, 2011 - Introduced by Senators LAZICH, KEDZIE and GALLOWAY, cosponsored by Representatives CRAIG, KAPENGA, KERKMAN, NASS, JACQUE, LEMAHIEU, ENDSLEY, THIESFELDT, MARKLEIN, PRIDEMORE and WYNN. Referred to Committee on Education.

- 1 **AN ACT to amend** 118.134 (3) (a); and **to create** 118.134 (3) (d) of the statutes;
2 **relating to:** delaying the date by which school districts must comply with
3 certain orders related to terminating the use of a race-based nickname, logo,
4 mascot, or team name.

Analysis by the Legislative Reference Bureau

Under current law, a school district resident may object to the use of a race-based nickname, logo, mascot, or team name (mascot) by the school board of the district and may obtain a hearing before the state superintendent on the school board's use of the mascot. At the hearing, the school board must prove by clear and convincing evidence that the use of the mascot does not promote discrimination, pupil harassment, or stereotyping, as defined by the state superintendent by rule. If the state superintendent finds that the school board's use of the mascot promotes discrimination, pupil harassment, or stereotyping, the state superintendent must order the school board to terminate its use and the school board must, with limited exceptions, do so within 12 months after the school board receives the order. Under certain circumstances, the state superintendent may grant an extension of not more than 24 months to the school board to comply with the order. Failure of a school board to comply with the decision and order subjects the school board to forfeitures.

This bill permits any school district that is subject to a decision and order issued before the effective date of the bill to delay compliance with that decision and order until November 1, 2012.



SENATE BILL 124

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 ✓ " SECTION 1. 118.134 (3) (a) of the statutes is amended to read:

2 118.134 (3) (a) The state superintendent shall issue a decision and order within
3 45 days after the hearing. If the state superintendent finds that the use of the
4 race-based nickname, logo, mascot, or team name does not promote discrimination,
5 pupil harassment, or stereotyping, the state superintendent shall dismiss the
6 complaint. Except as provided in ~~par. pars.~~ (b) and (d), if the state superintendent
7 finds that the use of the race-based nickname, logo, mascot, or team name promotes
8 discrimination, pupil harassment, or stereotyping, the state superintendent shall
9 order the school board to terminate its use of the race-based nickname, logo, mascot,
10 or team name within 12 months after issuance of the order.

11 SECTION 2. 118.134 (3) (d) of the statutes is created to read:

12 118.134 (3) (d) No school district required by a decision and order issued under
13 this subsection on or before the effective date of this paragraph [LRB inserts date],
14 to terminate the use of a race-based nickname, logo, mascot, or team name shall be
15 required to comply with the terms of that decision and order until November 1, 2012.

16 (END)

March 1, 2014

#, Page 994, line 21 @ after that line insert @

Kuczenski, Tracy

From: Kava, Russ
Sent: Tuesday, June 14, 2011 7:48 PM
To: Kuczenski, Tracy
Cc: Loppnow, Dave
Subject: FW: indian mascots
You didn't think you'd finish 1329 that easily, did you?

From: Toftness, Jennifer
Sent: Tuesday, June 14, 2011 7:45 PM
To: Kava, Russ; Lang, Bob
Cc: Schutt, Eric - GOV; Bott, Eric; Hale, Janine
Subject: indian mascots

Hi Russ,

On the Indian mascot bill, please have LRB change it from March 1 2014 to March 1 2013.

Thank you.

Jenny

6/14/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBb1329/P1 P2
TKK:jld&wlj:jf
RMNR

LFB:.....Kava - Delay date for compliance with orders relating to
terminating use of school mascots

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2011 ASSEMBLY BILL 40

6/14/11

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 994, line 21: after that line insert:

3 **"SECTION 2476p.** 118.134 (3) (a) of the statutes is amended to read:

4 118.134 **(3)** (a) The state superintendent shall issue a decision and order within
5 45 days after the hearing. If the state superintendent finds that the use of the
6 race-based nickname, logo, mascot, or team name does not promote discrimination,
7 pupil harassment, or stereotyping, the state superintendent shall dismiss the
8 complaint. Except as provided in ~~par.~~ pars. (b) and (d), if the state superintendent
9 finds that the use of the race-based nickname, logo, mascot, or team name promotes

1 discrimination, pupil harassment, or stereotyping, the state superintendent shall
2 order the school board to terminate its use of the race-based nickname, logo, mascot,
3 or team name within 12 months after issuance of the order.

4 **SECTION 2476r.** 118.134 (3) (d) of the statutes is created to read:

5 118.134 (3) (d) No school district required by a decision and order issued under
6 this subsection on or before the effective date of this paragraph [LRB inserts date],
7 to terminate the use of a race-based nickname, logo, mascot, or team name shall be
8 required to comply with the terms of that decision and order until March 1, 2014.”.

9 (END)

6 ✓
2013

Kuczenski, Tracy

From: Kava, Russ
Sent: Tuesday, June 14, 2011 8:53 PM
To: Kuczenski, Tracy; Loppnow, Dave
Subject: FW: indian mascots

From: Toftness, Jennifer
Sent: Tuesday, June 14, 2011 8:48 PM
To: Kava, Russ
Subject: Re: indian mascots

This has now changed to dec 1 2012

From: Kava, Russ
Sent: Tuesday, June 14, 2011 07:46 PM
To: Toftness, Jennifer
Cc: Hale, Janine
Subject: RE: indian mascots

Will do.

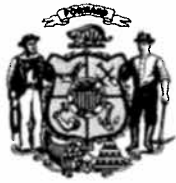
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Sent: Tuesday, June 14, 2011 7:45 PM
To: Kava, Russ; Lang, Bob
Cc: Schutt, Eric - GOV; Bott, Eric; Hale, Janine
Subject: indian mascots

Hi Russ,

On the Indian mascot bill, please have LRB change it from March 1 2014 to March 1 2013.

Thank you.

Jenny



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBb1329/P2
TKK:jld&wlj:md

P3

LFB:.....Kava - Delay date for compliance with orders relating to terminating use of school mascots

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

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TO 2011 ASSEMBLY BILL 40

6/14/11

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6 this subsection on or before the effective date of this paragraph [LRB inserts date],
7 to terminate the use of a race-based nickname, logo, mascot, or team name shall be
8 required to comply with the terms of that decision and order until March 1, 2013.”.

9 (END)

6
December 11, 2012

Kuczenski, Tracy

From: Kava, Russ
Sent: Wednesday, June 15, 2011 8:50 AM
To: Toftness, Jennifer
Cc: Loppnow, Dave; Kuczenski, Tracy
Subject: RE: final School choice language
Got it.

From: Toftness, Jennifer
Sent: Wednesday, June 15, 2011 8:45 AM
To: Kava, Russ
Subject: Re: final School choice language

Hey. I'm sorry about this. That indian mascot thing has changed to jan 15 2013. I believe that is the final answer

From: Kava, Russ
Sent: Tuesday, June 14, 2011 07:50 PM
To: Hale, Janine
Cc: Toftness, Jennifer; Loppnow, Dave
Subject: RE: final School choice language

Janine -- Will you be forwarding us a copy of the draft(s) with the various choice changes in it? Thanks, Russ.

From: Hale, Janine
Sent: Tuesday, June 14, 2011 5:56 PM
To: Kava, Russ
Cc: Toftness, Jennifer; Lang, Bob; Schutt, Eric - GOV; Bott, Eric
Subject: final School choice language

Below is the final school choice language dealing with the definition of GB and Racine. This will be the same definition under each stat reference for Racine and GB. Obviously, the Racine reference would say "Racine County" under 1 in the Racine choice stat. ref and "Brown County" under 1 in the GB stat. reference.

Janine

Janine L. Hale

Office of State Representative Robin Vos

Co-Chair, Joint Committee on Finance

309 East, State Capitol

P.O. Box 8953

6/15/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBb1329/P8
TKK:jld&wlj:md

P4

LFB:.....Kava - Delay date for compliance with orders relating to
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FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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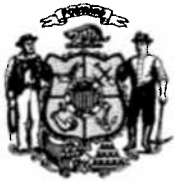
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5 118.134 (3) (d) No school district required by a decision and order issued under
6 this subsection on or before the effective date of this paragraph [LRB inserts date],
7 to terminate the use of a race-based nickname, logo, mascot, or team name shall be
8 required to comply with the terms of that decision and order until December 1,

9 2012." ✓

6
January 15 ↑
2013

10 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBb1329/P4
TKK:jld&wlj:md

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9 (END)